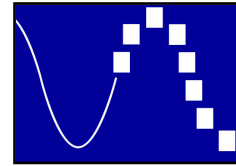


May 24, 2007



**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**Re: In the Matter of IP-Enabled Services, WC Docket No. 04-36; WT Docket No.96-198; Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123**

Dear Ms. Dortch:

The Voice on the Net ("VON") Coalition files this ex parte in the above-captioned proceedings to express its views regarding potential action by the Commission to: (1) extend its current disabilities' access rules to Interconnected VoIP providers; and (2) extend to Interconnected VoIP providers the obligation to contribution to the Telecommunications Relay Services ("TRS") fund.

Today, and without Commission regulation, VoIP provides innovative capabilities to people with many kinds of disabilities. VoIP service providers will continue to innovate in this area as a way to favorably distinguish their services from other services. Preemptive extension of existing regulations to Interconnected VoIP services at this time, in the absence of a compelling record regarding its need and so soon before the federal government completes relevant and transformative revisions to the requirements, is unnecessary. Indeed, it would inadvertently cause unwarranted costs and likely stifle innovation to the primary detriment of those who would benefit the most. Accordingly, the VON Coalition asks the Commission to refrain from reaching its determination on whether to impose Section 225 and Section 255 regulations on Interconnected VoIP until the U.S. Access Board's Telecommunications and Electronic and Information Technology Advisory Committee ("TEITAC") finishes its work and 255 guidelines are updated.

With regard to TRS contribution requirements, the VON Coalition believes that fundamental reform of the TRS Fund can and should be completed prior to subjecting VoIP providers and consumers to TRS contribution requirements. To the extent that the Commission finds that TRS contributions by Interconnected VoIP providers are necessary and appropriate immediately and despite the Fund's current surplus, however, the VON Coalition urges the Commission to assess Interconnected VoIP providers pursuant to an in-use numbers-based methodology.<sup>1</sup> With regard to any 711 dialing implementation requirement, the Commission should permit technical flexibility and a reasonable time period for implementation of abbreviated dialing requirements for access to TRS services.

---

<sup>1</sup> To clarify, were such a fee to be adopted, it should only apply to active NANP numbers actually in use by end user subscribers and not on numbers merely assigned to an interconnected VoIP provider.

With regard to any potential accessibility requirements and any potential TRS requirements, the Commission should provide an equitable and reasonable timeframe for compliance and implementation by Interconnected VoIP providers.

## **EXTENSION OF ACCESSIBILITY RULES TO INTERCONNECTED VOIP**

### **Section 255 Requirements**

Pursuant to Section 255 of the Communications Act of 1934, as amended, ("Act") the Commission has adopted rules that require telecommunications equipment manufacturers and service providers to make their products and services accessible to people with disabilities, if such access is "readily achievable."<sup>2</sup> The "readily achievable" obligation imposed by section 255 is both prospective and continuing. The Commission put limits around the costs, feasibility, and timing of what is considered to be "readily achievable."<sup>3</sup> Where such access is not readily achievable, manufacturers and service providers must make their devices and services compatible with peripheral devices and specialized customer premises equipment that are commonly used by people with disabilities, if such compatibility is readily achievable. In its initial rules implementing Section 255, the Commission provided significant flexibility to providers and equipment manufacturers. The Commission determined that it would "not identify specific features" required "because it necessarily varies given the individual circumstances. Manufacturers and service providers must make their own determinations based on the factors in the readily achievable definition."<sup>4</sup>

As the Commission recognized in its original Section 255 Order, the "readily achievable" standard may vary depending on a variety of circumstances, including: (1) the ease of modifying services and equipment; and (2) cost – taking into account the size and economic resources of the covered entity, technical feasibility, and timing of necessary action. As it moves forward in the above-captioned proceedings, the Commission should incorporate similar standards and flexibility in implementing Section 255 as it applies to Interconnected VoIP providers.

---

<sup>2</sup> 47 U.S.C. § 255. The Commission's implementing rules are found at 47 C.F.R. Part 64, Subsection F. Manufacturers and service providers are not required to incorporate accessibility features that are technically infeasible, subject to several limitations. In some instances, "technical infeasibility" may result from legal or regulatory constraints. "Technical infeasibility" encompasses not only a product's technological limitations, but also its physical limitations.

<sup>3</sup> See *Disabilities Access Order* ¶ 56 ("In determining whether an action is 'readily achievable,' one consideration is the 'cost' of the action." "Costs/ means incremental costs to design, develop or fabricate accessible products or services.").

<sup>4</sup> *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996 Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities*, Report and Order and Notice of Proposed Rulemaking, 16 FCC Rcd 6417, ¶ 51 (1999) (*"Disabilities Access Order"*).

## **The Tradition of VoIP Leadership in Disability Access Issues**

VoIP providers have a strong history of being proactive with regard to disability access issues. They have sought to be leaders in proactively addressing disability access issues as a forethought, and not an afterthought. For instance, in July 1999, the VON Coalition announced the industry's voluntary commitment to make voice applications as accessible as readily achievable and to consider the user requirements of people with disabilities when developing new products and services.<sup>5</sup> In December 1999, the VON Coalition helped organize a day-long VoIP disability forum at the Commission, which included participation by the Alexander Graham Bell Association, the American Federation for the Blind, the Consumer Action Network, Gallaudet University, Self Help for Hard of Hearing People, and Telecommunications for the Deaf, Inc.<sup>6</sup> Such commitments and efforts have helped ensure that disability access issues are not treated as an afterthought by VoIP providers. The Commission also played a role in facilitating voluntary industry efforts to afford persons with disabilities access to VoIP services by holding a "Solutions Summit" in May 2004.<sup>7</sup>

Given the dynamic and competitive market, VoIP providers have voluntarily developed technologies that often go far beyond what is being offered by companies subject to Section 255. Indeed, when the Commission first considered applying Section 255 rules to all information services, including, as requested by some commenters, "Internet telephony" services, it declined to interfere with such innovation, and instead allowed the market to continue innovating and driving accessibility technologies.<sup>8</sup> The success is evident.

## **The Benefits of VoIP Innovations for the Disabled**

The Commission's definition of "Interconnected VoIP" services covers a broad range of products and services. This diversity has already yielded a rich field of robust products and services available to all Americans, including those with a wide range of disabilities. These capabilities often go beyond what is being offered by legacy telephone companies currently subject to the Commission's disability rules. VoIP technology has the potential to radically improve communications for the 54 million Americans with disabilities. For example, VoIP can integrate phone, voice mail, audio-conferencing, e-mail, instant messaging, web-sites and desktop applications into one secure, seamless network. Workers, including those with disabilities,

---

<sup>5</sup> Letter from Bruce D. Jacobs, Counsel to the VON Coalition, to Magalie R. Salas, (July 7, 1999).

<sup>6</sup> See Comments of the VON Coalition, WT Docket No. 96-198, (Jan. 13, 2000)

<sup>7</sup> See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-244851A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-244851A1.doc).

<sup>8</sup> In its *Disabilities Access Order*, the Commission opted to extend Section 255 obligations to only two forms of information services, voice mail and interactive menus, which it found were "critical to making telecommunications accessible and usable by people with disabilities." Several commenters in the proceeding shared the position that Section 255 should also be applied to what they referred to as "Internet telephony." These commenters did not suggest that IP telephony services were causing problems for disabled consumers but rather, expressed the desire for disability access to be incorporated into developing technologies and services. The Commission declined these requests, explaining that "[u]nlike voicemail and interactive menus, other information services discussed by commenters do not have the potential to render telecommunications services themselves inaccessible. Therefore, we decline to exercise our ancillary jurisdiction over those additional services." *Disabilities Access Order* ¶ 78.

can use their PC, laptop, or handheld as a VoIP phone from virtually anywhere, with the same phone number. This provides those with disabilities who telecommute or whose mobility is impaired seamless availability.

VoIP can converge voice, video, and data to facilitate accessibility more than in any technology before it. Many deaf or hearing-impaired Americans rave that video phones – which enable communications by phone in sign language – are one of the greatest access tools ever invented, giving the deaf and hearing impaired community the ability to communicate independently, comfortably, and accurately in their native language for the first time.<sup>9</sup>

Those with disabilities in the workforce also benefit from VoIP technologies. VoIP is one of the most economical technologies available that can help people with disabilities improve job performance. With almost no incremental cost involved in utilizing an installed VoIP system, employers can easily provide this “reasonable accommodation” under the Americans with Disabilities Act (“ADA”) to their existing or potential disabled employees. Given the high unemployment rates for people with disabilities (well above 50%), VoIP helps provide the opportunity for many of those willing and able to work, but confronted by inaccessible workplace technology, to do so. The benefits of such empowerment also extend to reducing public support costs, increasing public revenue via income taxes, and reducing the personal expenses of those with disabilities and their families.

### **The Harms of Regulating VoIP Innovations for the Disabled**

The Commission’s current market-based approach to disability access for VoIP is working. The Commission can achieve important disability access goals without the application of new mandates that serve as a ceiling rather than a floor. The Commission should not inadvertently undermine the momentum of innovation by VoIP providers that is breaking down existing accessibility barriers and preventing future ones. Requiring Interconnected VoIP products and services to be equally beneficial to all people may very well have the unintended effect of reducing, rather than expanding, the diversity of products and services available to people with disabilities. As the Commission considers the application of Section 225 and Section 255 obligations to Interconnected VoIP providers, the VON Coalition urges it to be mindful that VoIP services and technologies have a critical role to play in helping people with disabilities communicate in new and improved ways. The Commission should take special care to ensure that any new Section 225/255 rules permit covered entities to continue the rapid pace of innovation without discouraging or impairing the development of improved technologies. This requires the Commission to recognize, for example, that a product with features that might be significantly beneficial for an individual with impaired vision may not always offer a similar level of benefits for the hearing impaired. To require every product and service to serve equally consumers with every type of disability could limit certain forms of accessibility and would be detrimental to all consumers.

The Commission should also be aware of the potential negative economic implications disabilities access regulation could have on disabled consumers of VoIP products and services.

---

<sup>9</sup> See, e.g., <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/10/06/BUGUO24GQC1.DTL>

Unfortunately, too many Americans with disabilities live in poverty. Working-age Americans with disabilities are more than twice as likely to live in poverty than other Americans, and only half as likely to be employed.<sup>10</sup> Even though Interconnected VoIP providers are often cutting phone bills in half for their consumers (and thus have been found to be especially popular with lower income households),<sup>11</sup> even a small increase in costs can have a large impact on accessibility.

### **VON Coalition Recommendations**

If the Commission decides to move forward with its consideration of extending disabilities access requirements to Interconnected VoIP services, however, the VON Coalition respectfully makes the following recommendations:

#### **1. The Commission should only seek to address identified problems.**

Because Interconnected VoIP services can often be provided over an array of different devices, care should be taken to only apply disabilities access rules in circumstances where there is a demonstrated problem and where such requirements would be essential to making services accessible. Accordingly, the Commission should not apply accessibility obligations to Interconnected VoIP providers without first updating the record and conducting a meaningful analysis of the impact of any new regulations on innovation.<sup>12</sup>

Today, the record evidence in this proceeding is insufficient to justify across-the-board application of all of the Commission's Part 64, Subpart F rules on Interconnected VoIP providers. Although the Commission's *IP-Enabled Services* rulemaking sought comment on the reasonableness of applying TRS rules to VoIP, the record in that proceeding was compiled over three years ago and only reflects technologies available at the time. The Commission has not examined the technical feasibility, cost, and benefits of applying the various mandatory minimum accessibility standards to services such as combined voice, video, and text. The VON Coalition recommends that the Commission refresh the record in this proceeding to examine the specific implications of imposing the Part 64 requirements on currently available IP services. In the meantime, the VON Coalition renews its voluntary commitment to making Interconnected VoIP services as accessible as readily achievable and to consider the user requirements of people with disabilities in the development of new products and services.

Given the tremendous pace of innovation and the promise that VoIP holds for people with disabilities, the Commission should not hamper the market by attempting to impose ill-fitting requirements on Interconnected VoIP products and services. Applying new obligations that are not essential to making services accessible could discourage or impair the development of

---

<sup>10</sup> See People with Disabilities Are Forced Into a Poverty Trap, available at <http://www.newswise.com/articles/view/514171/>.

<sup>11</sup> The American Consumer Institute, Consumer Pulse Survey (Jan. 2006) shows that the lowest income users were most likely to have made a VoIP call from their home: 22% have made a call from their home for those earning less than \$25,000 a year; 5% for \$25,000 to \$49,000; 10% for \$50,000 to \$74,000; and 12% for those earning above \$75,000 per year.

<sup>12</sup> Such analysis should include consideration of whether extending accessibility requirements to Interconnected VoIP is consistent with Sections 225(d)(2) and 706 (codified at 47 U.S.C. 157 nt) of the Act in terms of facilitating and fostering new technologies.

additional forms of communications critical to people with disabilities. For such services, the harm caused by broadly extending title II regulation to the Internet, software applications, and computers far outweighs the incremental gains for persons with disabilities. In fact, the impressive features and applications that the Internet and computer industry have already made in both standards-setting and the marketplace to achieve goals such as “total conversation,” which enables all consumers, including those with various disabilities, to take advantage of the features that are most beneficial, whether IP voice, video, text, or any combination of the three, would likely be slowed or even halted by an overly broad application of regulation.

## **2. Any rules should only apply to Interconnected VoIP services replacing POTS.**

The Commission should limit applicability of any new disabilities access rules to Interconnected VoIP services that customers use as substitutes for their existing telephone service. More specifically, rules should be limited to services that enable users to make and receive phone calls to and from the PSTN and that are sold and marketed as substitutes for traditional phone services. Where there is a bundled offering, Section 255 obligations should apply only to the Interconnected VoIP service portion of the offering (or other portions of the bundle that are clearly telecommunications services already subject to Section 255 obligations).<sup>13</sup>

Drawing such a “bright line” is consistent with the Commission’s original order applying Section 255, which, while extending obligations to certain information services, specifically declined to cover all information services. The Commission made a reasoned decision based on whether services were “essential to making telecommunications services accessible.” The Commission declined to extend the requirements beyond voicemail and interactive menus, finding that “other information services . . . do not have the potential to render telecommunications services themselves inaccessible.” Of importance during the original implementation and even more critical today is the fact that “many of these other services are alternatives to telecommunications services, but not essential to their effective use. For example, e-mail, electronic information services, and web pages are alternative ways to receive information which can also be received over the phone using telecommunications services.”<sup>14</sup>

## **3. Any rules should only apply to devices meant primarily for Interconnected VoIP.**

Extreme care should be taken to ensure that any rules adopted in this regard clearly extend only to devices whose primary purpose is to provide Interconnected VoIP service. The Commission should not impose disability access requirements on *all* devices capable of supporting Interconnected VoIP services. Such regulation would be both unnecessary and unwise. The Commission currently does not apply its existing accessibility rules to general purpose devices such as personal computers whose primary purpose is not to provide telephone service or a service that substitutes for telephone service.

---

<sup>13</sup> For example, Section 255 obligations should not apply to peer-to-peer VoIP, e-mail, or instant messaging features of an Interconnected VoIP service provider’s offerings.

<sup>14</sup> See *Disabilities Access Order* ¶ 107.

Imposing accessibility requirements on all devices capable of being used for VoIP would impose significant costs on manufacturers and consumers, and it would vastly expand the scope of the Commission's disabilities mandates to companies' products that may not have been intended as phone substitute devices. It would also potentially stifle the development of many new general purpose IP-based devices whose primary function is not VoIP communication. Alternatively, many general purpose IP-based devices may be designed so that they cannot be used for VoIP under any circumstances -- limiting the connectivity available to consumers. Moreover, any such regulation may well have an adverse impact on disability access by freezing the development of software and other technology that will allow even greater access for the disabled in the future.

Modern IP devices have an extremely successful record of employing technology that enables access for all individuals, including computer-synthesized voice narration and displays with easy to read formatting. Indeed, with respect to VoIP services, industry is already moving forward with IP-enabled software programs that are interoperable with TTYs/TDDs. There is simply no need for the Commission to regulate such general purpose devices given industry's substantial track record and ongoing strides in serving persons with disabilities.

#### **4. Any rules extending disabilities access requirements to Interconnected VoIP should reflect modern technologies.**

The Commission should ensure that any efforts to extend disabilities access requirements to Interconnected VoIP are coordinated with the ongoing U.S. Access Board efforts to update Section 255 for the information age. As the Commission is aware, the U.S. Access Board has convened the TEITAC, a federal advisory committee providing recommendations for updates of accessibility standards and guidelines issued under Section 255 of the Act and Section 508 of the Rehabilitation Act.<sup>15</sup> TEITAC is addressing issues such as standards review and product design, and the extent to which federal agencies are ensuring that electronic and information technology is accessible to people with disabilities.

There is a significant likelihood that any application of Section 255 and 225 obligations to Interconnected VoIP providers at this time by the Commission will overlap and conflict with the conclusions reached in the TEITAC review process. The VON Coalition, accordingly, urges the Commission to coordinate with the U.S. Access Board and the TEITAC. A rush by the Commission to adopt requirements on the private sector that are inconsistent with requirements for the Federal Government could lead to delays in the introduction of new products and services that would be beneficial to people with disabilities.

Furthermore, application of the Commission's existing rules, which were designed for a different era in communications, and which do not address the unique issues surrounding broadband and computer-enabled communication, could easily stifle some of the very applications and services that are currently deemed priceless by many in the disabled community. To ensure that the pace of innovation and therefore the availability of accessible communications tools are not hindered, the Commission should not reflexively adopt a set of rules ill-suited for the IP world.

---

<sup>15</sup> See 36 C.F.R. § 1194.4 (The definition of electronic and information technology under Section 508 includes: computers, hardware, software, web pages, facsimile machines, copiers, telephones and other equipment used for transmitting, receiving, using or storing information.)

Instead, it should remain on the same path established in its *Notice of Inquiry* regarding Section 255. Specifically, the Commission stated:

Our goal is to take full advantage of the promise of new technology, not only to ensure that advancements do not leave people with disabilities behind, but also to harness the power of innovation to break down the accessibility barriers we face today and prevent their emergence tomorrow.<sup>16</sup>

## **IMPOSITION OF TRS REQUIREMENTS ON INTERCONNECTED VOIP**

### **Section 225 Requirements**

TRS, created by the ADA and codified as Section 225 of the Act, as amended, enables an individual with a hearing or speech disability to communicate by telephone or other device through the telephone system with a person without such a disability.<sup>17</sup> Also created was a TRS Fund, which compensates providers of eligible interstate TRS services, and other TRS services not compensated by the states, for their reasonable costs of providing service.

In 1991, the Commission adopted rules implementing Section 225 to ensure that TRS is available to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities.<sup>18</sup> Covered providers were given two years to deploy required TRS capabilities, thus ensuring a uniform, nationwide system. Since then, the Commission has adopted multiple orders improving on the original rules, all the while recognizing that technology continues to evolve and “new forms of TRS. . . offer consumers access to the nation’s telephone system in different ways depending on the nature of a consumer’s disability and their communications preferences.”<sup>19</sup> The new services added to the original TRS requirements, such as video relay services (“VRS”), IP relay services, and IP-captioned telephone service (“IP CTS”), have brought our nation closer to the goal of providing deaf and hard of hearing persons functionally equivalent access to the nation’s communications systems. Such deployments of transformative IP-enabled technologies have not been easy.<sup>20</sup>

---

<sup>16</sup> See *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996 Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities*, Notice of Inquiry, 11 FCC Rcd 19152 ¶175 (1996).

<sup>17</sup> See 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(14).

<sup>18</sup> 47 U.S.C. § 225(b)(1). *Telecommunications Services for Individuals with Hearings and Speech Disabilities and the Americans with Disabilities Act of 1990*, Report and Order and Request for Comments, 6 FCC Rcd 4657 (1991).

<sup>19</sup> See generally *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, ¶¶ 2-13 (2004)(overview of past TRS orders) (“*2004 TRS Report & Order*”).

<sup>20</sup> As the Commission recognized following its initial adoption of the *IP Relay Order*, “as new technologies develop and are applied to relay, it is not always easy to fit them into the pre-existing regulatory regime, especially a regime developed when relay calls were made entirely over the PSTN. Therefore, there may



## **VoIP Innovation of TRS**

As the Commission has stated, Congress imposed obligations to “offer TRS to, in effect, remedy the discriminatory effects of a telephone system inaccessible to persons with disabilities.”<sup>21</sup> As the nation transitions to IP-based communications, technologies and innovations like VoIP can help transcend some of the discriminatory effects of the telephone system that TRS was designed to overcome. In fact, VRS and IP Relay services are now often built upon VoIP protocols, utilizing some of the same functionality available in many VoIP services.

Although AT&T debuted the first “Picture Phone” at the 1964 New York World's Fair, video calling across the PSTN never became widespread. Now, however, VoIP protocols (SIP, H.323 and others) can allow services to combine voice and video to allow people with disabilities to communicate using video and sign language. Some Interconnected VoIP providers like Packet8 deliver high-quality, full-motion video and clear, delay-free audio over broadband. Internet connections also allow parties using American Sign Language to converse without operators. Likewise, video relay services have surfaced across the nation, allowing hard-of-hearing, deaf, or speech impaired people to call anyone they want and communicate naturally. Cost is no longer a barrier. Some VoIP providers make their VoIP-enabled video calling software available for download for free on the Internet; the only end-user cost may be an inexpensive video camera.

## **Extension of TRS Contribution Requirements to Interconnected VoIP**

On July 20, 2006, the Commission released a *Further Notice of Proposed Rulemaking* to address a broad range of issues concerning the compensation of providers of telecommunications relay services from the Interstate TRS Fund.<sup>22</sup> The VON Coalition supports the Commission’s decision to examine its existing methodology for compensating TRS providers. As the record shows, most providers agree that the existing cost recovery methodology is inadequate in many respects, and that a new reimbursement regime is warranted.<sup>23</sup>

The VON Coalition is not fundamentally opposed to an appropriate federal TRS assessment for Interconnected VoIP providers. We are concerned, however, that the Commission appears to be moving forward to assess Interconnected VoIP providers and consumers without first making necessary reforms to the TRS Fund. In addition, the record does not show that the introduction of Interconnected VoIP services has had any adverse financial

---

be more uncertainty as to what pre-existing requirements mean when applied to new technology.” *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, 20 FCC Rcd 13140 ¶ 29 (2005).

<sup>21</sup> *2004 TRS Report & Order*, 19 FCC Rcd at 12543, ¶ 179.

<sup>22</sup> *See generally 2004 TRS Report & Order* ¶¶ 3-8 (2004).

<sup>23</sup> NECA estimate of the TRS Fund’s size for the period July 2007 through June 2008 anticipates that there will be a surplus of approximately \$45 million at the end of the current 2006-2007 funding year. See Letter from John Ricker, Director, Universal Service Program Support, NECA, to Marlene H. Dortch, Secretary, FCC re: TRS Fund Administration, at 21 (May 1, 2007) (“*2007 TRS Fund Estimate*”).

impact on the TRS Fund. Given the existing problems with the TRS Fund and its projected surplus, the VON Coalition requests that the Commission first resolve existing problems before asking VoIP consumers to begin contributing to the TRS Fund.

To the extent that the Commission finds that TRS contributions by Interconnected VoIP providers are necessary and appropriate at this time, the VON Coalition urges the Commission to assess TRS contributions, like USF contributions and any regulatory fee obligations, pursuant to a numbers-based system (based on an Interconnected VoIP provider's actual in-use numbers), rather than a revenue-based methodology. Also, the Commission should provide a reasonable timeframe for TRS contribution implementation ensuring that providers are able to implement necessary back office changes to calculate and assess the appropriate contribution amount.

### **Extension of Abbreviated TRS Dialing to Interconnected VoIP**

The VON Coalition recognizes the utility of being able to dial 711 nationwide to access TRS. Such a functionality makes TRS much more accessible in our mobile society. When the Commission adopted its *711 Abbreviated Dialing Order*, it permitted covered entities to "select the most economical and efficient means of implementing 711 access, based on their network architecture."<sup>24</sup> The VON Coalition requests that the Commission provide the same technical and operational flexibility to Interconnected VoIP providers if it extends 711 dialing rules to them. This will permit Interconnected VoIP providers to choose solutions necessary to prepare for 711 access.

Also, the Commission should provide Interconnected VoIP providers a similarly equitable and just one-year time period for implementation as it did for others in the *711 Abbreviated Dialing Order*. Such a transition period will help ensure that providers can successfully meet the requirements. If the Commission proceeds with extending any 711 abbreviated dialing requirements to Interconnected VoIP providers in a reasonable manner, Interconnected VoIP providers will be able to minimize operational concerns as the Commission successfully fulfills the goal of nationwide access to TRS.

### **CONCLUSION**

For the foregoing reasons, the VON Coalition respectfully requests the Commission to refrain from imposing Section 225 and Section 255 regulations on Interconnected VoIP services and devices at this time or, alternatively, to narrowly regulate such services and equipment as described herein while providing the industry with equitable and reasonable transition timeframes to comply with such new mandates.

Sincerely,

/s/ Staci L. Pies  
**The VON Coalition**

---

<sup>24</sup> *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Second Report and Order, 15 FCC Rcd 15188, ¶ 22 (2000).

Staci L. Pies  
President

**About the VON Coalition:**

The Voice on the Net or VON Coalition consists of leading VoIP companies, on the cutting edge of developing and delivering voice innovations over Internet. The coalition, which includes AccessLine, AT&T, BMX, BT Americas, CallSmart, Cisco, Conveda, Covad, EarthLink, iBasis, i3 Voice and Data, Intel, Intrado, Microsoft, New Global Telecom, Openwave, Pandora Networks, PointOne, Pulver.com, Skype, Switch Business Solutions, T-Mobile USA, United Online, USA Datanet, VocalData, Veraz Networks, and Yahoo! works to advance regulatory policies that enable Americans to take advantage of the full promise and potential of VoIP. The Coalition believes that with the right public policies, Internet based voice advances can make talking more affordable, businesses more productive, jobs more plentiful, the Internet more valuable, and Americans more safe and secure. <http://www.von.org>